

REMARKS

Claims 21-38 are pending. Claims 25-28, 32, and 33 were indicated to be allowable in subject matter.

Claims 21-24, 29, 30, and 34-38 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,151,934 to Saeki in view of U.S. Patent No. 5,111,947 to Patterson.

Response to Rejections

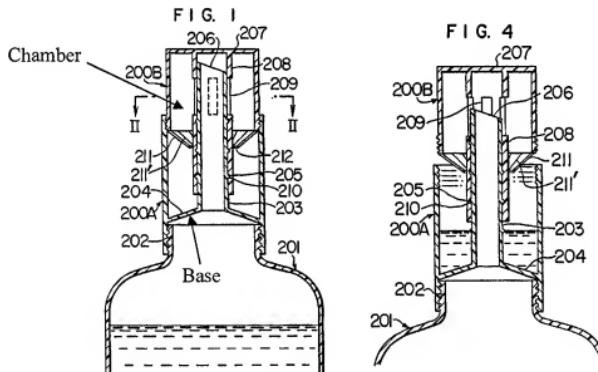
The present application describes a shot dispenser that is designed to be pre-filled with a shot of a liquid (e.g., vodka, gin, or the like), sealed closed, and then secured to the top of a bottle containing a different liquid (e.g., a fruit-flavored drink). When it is desired to consume the beverage, the shot dispenser's cap is removed and the dispenser is operated to dispense its contents into the bottle. The dispenser can then be removed from the bottle to allow the user to consume the beverage.

In accordance with the objective and use of the shot dispenser as noted above, the shot dispenser defined by Claim 21 as amended above includes a housing having a base transverse to an axis of the housing, and a wall upstanding from the base and defining an enclosure. The housing defines an outlet. The dispenser also includes a chamber within the housing and axially movable along the axis between a closed condition in which material in the chamber is prevented from draining past the base, and an open condition in which material in the chamber can drain through the outlet past the base. The chamber also includes a projection in abutment with the wall of the housing to prevent relative movement of the chamber along the axis to the open condition. A removable obstruction is provided to allow such movement, on demand.

The Office Action asserted that Saeki discloses a shot dispenser having all of the features of Claim 21 except for the removable obstruction. More particularly, the Office Action included a reproduction of Figure 5 of Saeki, on which various parts of Saeki's device were labeled with allegedly corresponding elements of Claim 21. The Office Action stated that the base allows material in the chamber to drain past the base when the chamber is in the open condition.

Applicant respectfully disagrees with this interpretation of Saeki's device. As an initial matter, it is important to realize that Saeki's device has a different objective and functionality from the device described in the present application. Specifically, Saeki's device is designed to dispense controlled doses from the contents of a bulk container, whereas the shot dispenser of the present invention is designed to dispense shots into a container. This is a significant difference because it necessitates substantially different structures.

More particularly, the base 204 of Saeki's outer lower cylinder 200A is designed to hold material and prevent the material from draining downwardly past the base (see Figure 4) in any relative position of the chamber (i.e., cap) 200B. This is easily seen by comparing Figure 1 and Figure 4 of Saeki, which show the chamber in its two different positions:



See also col. 3, lines 28-31, indicating that the lower wall 204 is sealingly connected to the outer lower cylinder 200A and to the inner cylinder 203.

Thus, Saeki's device does not include any provision for allowing material in the chamber to drain downwardly past the base, as required by Claim 21. Once material is contained in the outer lower cylinder 200A as shown in Figure 4, the only way the material can exit is by tipping the container to pour the material out the open top end of the outer lower cylinder, as illustrated

in Figure 5. Accordingly, it would not be possible to use Saeki's device to dispense a shot of material from the chamber into the container 201.

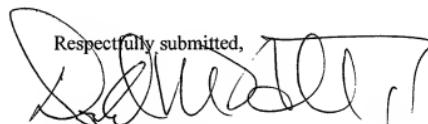
For at least the above-noted reasons, Saeki fails to disclose the shot dispenser of Claim 21. Furthermore, Patterson does not supply the elements of Claim 21 that are lacking in Saeki.

Therefore, Claim 21 is patentable over the cited references.

Claims 22-38 are patentable over the cited references in view of their dependence on Claim 21 and because the references do not disclose or suggest the combination of the features of the dependent claims with the features of Claim 21 (as the Office Action acknowledged with respect to Claims 25-28, 32, and 33).

Conclusion

Based on the above amendments and remarks, it is submitted that the application is in condition for allowance.


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